

**NOTICE: THIS DECISION DOES NOT CREATE LEGAL PRECEDENT  
AND MAY NOT BE CITED EXCEPT AS AUTHORIZED BY APPLICABLE  
RULES. See Ariz. R. Supreme Court 111(c); ARCAP 28(c); Ariz. R. Crim. P. 31.24.**

FILED BY CLERK

SEP 19 2008

COURT OF APPEALS  
DIVISION TWO

IN THE COURT OF APPEALS  
STATE OF ARIZONA  
DIVISION TWO

THE STATE OF ARIZONA,

Appellee,

v.

GABRIEL CORDOVA BALTIERREZ,

Appellant.

2 CA-CR 2007-0333  
DEPARTMENT B

MEMORANDUM DECISION

Not for Publication

Rule 111, Rules of  
the Supreme Court

APPEAL FROM THE SUPERIOR COURT OF PIMA COUNTY

Cause No. CR20070192

Honorable John Leonardo, Judge

AFFIRMED

Law Offices of DiCampi, Elsberry & Hunley, LLC  
By Anne Elsberry

Tucson  
Attorneys for Appellant

V Á S Q U E Z, Judge.

¶1 A jury found appellant Gabriel Baltierrez guilty of aggravated assault causing temporary but substantial disfigurement, a class four felony, and not guilty of the charged offense of aggravated assault with a dangerous instrument, but guilty of the lesser included offense of assault, a class one misdemeanor. The trial court sentenced Baltierrez to the

presumptive prison term of 2.5 years on the first count and to time served on the second count. Counsel filed a brief in compliance with *Anders v. California*, 386 U.S. 738 (1967); *State v. Leon*, 104 Ariz. 297, 451 P.2d 878 (1969); and *State v. Clark*, 196 Ariz. 530, 2 P.3d 89 (App. 1999), stating she has diligently reviewed the record and has found no meritorious issue to raise on appeal. She asks us to search the record for fundamental error. Baltierrez has not filed a supplemental brief.

¶2 We view the evidence in the light most favorable to sustaining the verdicts. *See State v. Tamplin*, 195 Ariz. 246, ¶ 2, 986 P.2d 914, 914 (App. 1999). The evidence established that Baltierrez intentionally injured the victim by hitting her with a telescope, a curling iron, and a broom, and causing the victim to suffer temporary but substantial disfigurement including bruises and lacerations to her head and face. There was sufficient evidence to support the jury’s findings of guilt. *See* A.R.S. §§ 13-1203(A)(1), 13-1204.

¶3 Pursuant to our obligation under *Anders*, we have searched the record for fundamental, reversible error and have found none. Therefore, Baltierrez’s convictions and sentences are affirmed.

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GARYE L. VÁSQUEZ, Judge

CONCURRING:

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PETER J. ECKERSTROM, Presiding Judge

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PHILIP G. ESPINOSA, Judge